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FREEDOM IN THE WORLD

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60

Turkey

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TREND ARROW:

Turkey received a downward trend arrow due to the harsh government crackdown on protesters in Istanbul and other cities and increased political pressure on private companies to conform with the ruling party's agenda.

OVERVIEW:

In January 2013, the government began new talks with Abdullah Öcalan, the jailed leader of the separatist Kurdistan Workers' Party (PKK) militant group, in an attempt to end a conflict that had claimed over 40,000 lives since the 1980s. In March, Öcalan called a cease-fire and announced that the PKK would withdraw its fighters from Turkish territory into northern Iraq. This cease-fire remained in effect throughout the year. However, in September, the PKK announced that it was suspending the withdrawal because of insufficient efforts by the government to carry out legal reforms that would help resolve the Kurdish question.

Meanwhile, in May, protests broke out in Istanbul over government-backed development plans that would supplant the city's Gezi Park. While the dispute was initially framed as an environmental issue, protests spread to other cities and assumed a broader antigovernment character, directed against what the protesters saw as creeping authoritarianism on the part of Prime Minister Recep Tayyip Erdoğan and his Justice and Development Party (AKP), in power since 2002. For two weeks in June, tens of thousands of protesters occupied Taksim Square in the heart of Istanbul, and over 2.5 million Turks were estimated to have participated in protests nationwide. After a tense standoff, police forcibly cleared Taksim Square and other protest sites. Across Turkey by mid-July, five protesters had been killed, over 8,000 had been injured, and nearly 5,000 had been detained by police. The government's response was condemned by Turkish and international observers. Government officials subsequently blamed the protests on external forces including the foreign media and the Jewish diaspora, and police raided residences and offices to arrest additional suspects accused of having instigated

2014 SCORES

STATUS

Partly Free

FREEDOM RATING
(1 = BEST, 7 = WORST)

3.5

CIVIL LIBERTIES
(1 = BEST, 7 = WORST)

4

POLITICAL RIGHTS
(1 = BEST, 7 = WORST)

3

or assisted the demonstrations.

In September, the AKP unveiled a long-awaited democratization package, which touched on, among other issues, Kurdish-language education in private schools, possible changes to the electoral system, freedom to wear the Islamic headscarf, and greater protections for freedom of expression. Implementation of most of the proposals remained to be seen at year's end, and critics charged that the reforms were both insincere and insufficient, particularly in light of their failure to repeal sweeping antiterrorism laws or introduce protections for the Alevi minority.

In December, police raided dozens of homes and offices in a bribery and money-laundering investigation that targeted prominent businesspeople and family members of cabinet ministers. Erdoğan ordered a purge of the police officials responsible and claimed that the investigation was a politically motivated move by elements of a "parallel state" engaged in an international plot to undermine Turkey. Three cabinet ministers resigned, with one suggesting that Erdoğan himself should resign. The crisis remained unresolved at year's end.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Political Rights: 28 / 40 [Key]

A. Electoral Process: 11 / 12

In Turkey's semipresidential system, the prime minister is head of government and currently holds most executive authority, while the president is head of state and has powers including a legislative veto and authority to appoint judges and prosecutors. In 2007, the AKP's Abdullah Gül was elected by the parliament to a single seven-year term as president. Beginning in 2014, the president will be elected by popular vote for a once-renewable, five-year term. A full delineation of the directly elected president's powers has yet to be enacted.

The unicameral parliament, the Grand National Assembly, is elected every four years using a proportional-representation system. The June 2011 parliamentary elections were widely judged to have been free and fair, although 12 candidates from the largely Kurdish Peace and Democracy Party (BDP) were barred from running. The 2011 elections were notable for featuring the first legal campaigning in Kurdish. The AKP ultimately won nearly 50 percent of the vote and 326 of 550 seats. The opposition Republican People's Party (CHP) and Nationalist Action Party (MHP) took 135 and 53 seats, respectively, and independents, mostly from the BDP, won the remaining 36 seats.

A party must win at least 10 percent of the nationwide vote to secure parliamentary representation, while independents must win 10 percent of the vote in their provinces. This is the highest electoral threshold in Europe. In 2011, the BDP ran candidates as independents to get around the party requirement. The government proposed changes to this system in its September 2013 democratization package, including lowering the threshold to 5 percent or adopting a system of single-

member districts. The proposals would be subject to public and parliamentary debate.

B. Political Pluralism and Participation: 10 / 16

Turkey has a competitive multiparty system, but at present parties can still be disbanded for endorsing policies that are not in agreement with constitutional parameters. The rule has frequently been applied to Islamist and pro-Kurdish parties. An effort to repeal this measure in 2010 narrowly failed. No effort has been made to ban the BDP, but many of the party's officials have been arrested as part of a law enforcement campaign against the Union of Communities of Kurdistan (KCK), which the government describes as the PKK's urban arm. In July 2013, 13 Kurdish politicians, including local BDP leaders, were given more than six years in prison for belonging to an illegal organization. Separately, three members of parliament from the CHP were convicted in August in the Ergenekon trial, a sprawling case against an alleged conspiracy to create disorder and overthrow the AKP government, which has Islamist roots. The case formally closed that month with convictions of over 250 individuals, including military officers, state bureaucrats, and journalists. Both the KCK and Ergenekon cases have been criticized for alleged politicization and due process violations.

In September, the government proposed lowering the threshold for state funding for political parties from 7 percent of the vote to 3 percent, which would benefit smaller parties such as the BDP.

The military has historically been a dominant force in politics, forcing out an elected government most recently in 1997. Over the past decade, AKP-led reforms have increased control and oversight of the military by elected civilian officials, but problems persist in areas such as supervision of defense expenditures. The verdicts delivered in the Ergenekon case in August 2013 included a life sentence for the former military chief of staff, İlker Başbuğ.

C. Functioning of Government: 7 / 12

Corruption remains a major problem in Turkey. Reports in October 2013 noted weaknesses related to transparency, with government ministries refusing to hand over information to the Court of Accounts and pressuring the court to alter its reports on corruption. There is also concern over the awarding of government contracts, as major projects have allegedly benefited AKP party officials and the armed forces. The high-level corruption investigation that emerged in December, causing three cabinet ministers to resign, also led several AKP lawmakers to leave the party in protest. Many reports described the case as a manifestation of a rift between the AKP and the Hizmet movement, inspired by the Islamic scholar Fethullah Gülen, who had previously backed the government and whose supporters are well represented in the police and judiciary.

Civil Liberties: 32 / 60 (-1)

D. Freedom of Expression and Belief: 9 / 16

Freedom of expression is guaranteed in the constitution but restricted by law and in practice. In November 2013, PEN International reported that 73 writers and intellectuals were being held in Turkish jails, up from 60 in 2012. The Committee to Protect Journalists reported that 40 journalists were incarcerated in Turkey as of December 2013, more than in any other country. Most of those behind bars were Kurdish and charged under antiterrorism laws in KCK-related cases. In one round of arrests during 2013, 11 journalists were held in January for allegedly belonging to a terrorist organization. In August, over 20 journalists were convicted as part of the Ergenekon trial.

The government has imposed gag orders on coverage of certain events, including the Gezi Park protests. In June, television stations that aired independent coverage of the protests were fined by the government for inciting violence. Nearly all media organizations are owned by giant holding companies with ties to political parties or business interests in other industries, contributing to self-censorship. Dozens of journalists were fired or forced to resign in the aftermath of the Gezi protests, apparently in retaliation for their sympathetic coverage of the demonstrators. Erdoğan labeled social-media platforms such as Twitter, which was instrumental in the protests, as a “menace to society,” and some Twitter users were detained for their online activity. While the government began investigating Twitter, bans on social media did not materialize. News outlets have met with state pressure for critical coverage of other issues as well. In December, the daily *Taraf* faced prosecution for leaking information about government surveillance and profiling of individuals tied to religious movements and organizations.

The constitution protects freedom of religion. In the past, the state’s official secularism led to restrictions on expressions of religious belief, but since 2010 women have been allowed to wear the Islamic headscarf at universities, and in keeping with an element of the September 2013 democratization package, restrictions were similarly loosened for teachers and other public employees outside the police, military, and judiciary. Female lawmakers from the AKP consequently began wearing headscarves in the parliament in October. Critics have expressed concern about the AKP government’s alleged religious agenda—exemplified in a May statement by an AKP official calling for the “annihilation of atheists”—as well as laws that prohibit expression of critical views of religion. In April, Fazıl Say, a renowned Turkish pianist, was convicted under Article 216 of the penal code for insulting religion in comments he made on Twitter, receiving a suspended jail sentence. In May, Sevan Nişanyan, an ethnic Armenian journalist, was sentenced to over a year in prison under the same article for comments he made on a blog.

Three non-Muslim religious groups—Jews, Orthodox Christians, and Armenian Christians—are officially recognized. However, disputes over property, prohibitions on training of clergy, and interference in the internal governance of religious organizations remain concerns. The Alevis, a non-Sunni Muslim group, lack protected status. Historically, they have been targets of violence and

discrimination, and their houses of worship—known as cemevis—do not receive state support, as mosques do. The government has made overtures to the Alevi community, but Alevi issues were pointedly not included in the 2013 democratization package. In September, construction began in Ankara on a joint mosque-cemevi complex, which was seen by some as a positive step but also generated some protests and controversy.

Academic freedom is limited by self-censorship and legal or political pressure regarding sensitive topics such as the Kurds, the definition of World War I-era massacres of Armenians as genocide, and the legacy of Mustafa Kemal Atatürk, founder of the Turkish Republic. Scholars linked to the Kurdish issue have been jailed in the anti-KCK campaign. Separately, six scholars, including the former head of the Higher Education Council, were sentenced to jail terms in August 2013 as part of the Ergenekon case. The government has allegedly favored the appointment of more religiously oriented staff at universities and interfered in issues such as the teaching of evolution.

E. Associational and Organizational Rights: 6 / 12 (-1)

Freedoms of association and assembly are protected in the constitution, and Turkey has an active civil society. However, the police have forcibly broken up public gatherings, with the government justifying its actions by citing the need to maintain order and alleging the presence of violent hooligans and radical groups among the protesters. The crackdown on the Gezi protests, labeled a “brutal denial of the right to peaceful assembly” by Amnesty International, received the most scrutiny during 2013, but earlier protests over the demolition of a historic theater in April and May Day demonstrations in Istanbul both featured violence between police and protesters. In August, ahead of the Ergenekon verdicts, police raided the offices of a secularist association, political party, and television station, detaining 20 people for inciting demonstrations. In September, the police forcibly dispersed student protesters at Middle East Technical University in Ankara who had mobilized against plans to build a highway through their campus.

Laws to protect labor unions are in place, and there are four national union confederations. Many trade unions participated in the Gezi protests and other demonstrations in 2013. However, union activity remains limited in practice. Regulations for the recognition of legal strikes are onerous, and penalties for participating in illegal strikes are severe. Union officials were arrested on antiterrorism charges on multiple occasions in 2012, and in February 2013, 169 members of the Confederation of Public Service Workers (KESK) were rounded up in an anti-KCK operation.

F. Rule of Law: 8 / 16 (+1)

The constitution stipulates an independent judiciary, and in June 2012 the parliament passed a long-awaited measure to establish an ombudsman. In practice, however, the government can influence judges through appointments, promotions, and financing. Critics of the government are concerned about pressure put on judges, particularly in cases involving alleged coup plots and

journalists. Defense lawyers in KCK cases have themselves been placed under investigation. In September 2013, the Turkish Economic and Social Science Foundation issued a report that criticized flaws in the judicial system, including lengthy detention periods and poor prison conditions. The government has enacted laws and introduced training to prevent torture, but reports of mistreatment continue. During the Gezi protests, the media and human rights groups documented harsh beatings, threats of and actual sexual assault by police, and widespread use of unofficial detention. In September, over 30 police chiefs and riot police were put under investigation for such abuses.

Constitutional amendments in 2010 limited the jurisdiction of military courts to military personnel and removed provisions that prevented the prosecution of leaders of the 1980 military coup, who subsequently went on trial in April 2012. In September 2013, a trial began against 103 defendants, mostly from the military, who were charged with illegal actions linked to the 1997 "soft coup" that removed an elected Islamist government. Many observers have expressed concern that the various trials against military, secularist, and nationalist defendants, including Ergenekon, are politically motivated and rest on flimsy or doctored evidence.

The latest cease-fire between the PKK and the government has improved the security situation in the country. Many past restrictions on the Kurdish language have been lifted, and as a result of the September 2013 democratization package, Kurdish-language education in private schools is now allowed, Kurdish names have been restored to several villages and provinces, a committee has been formed to investigate hate crimes, and a mandatory pledge by schoolchildren that affirms their Turkishness and was viewed as offensive by many Kurds is no longer conducted. Critics of the package argued that these changes, even if fully implemented, remained inadequate. The reforms did not address demands for more autonomy for local governments or the release of the estimated 2,000 to 3,000 people detained under antiterrorism laws in the anti-KCK campaign.

Despite the improved security associated with the PKK cease-fire, the situation along the Syrian border remained tense in 2013. By year's end, Turkey was hosting over 600,000 refugees from Syria's civil war, including Syrian opposition and rebel leaders. In May, car bombs killed over 40 people in the Turkish city of Reyhanli, and the attack was blamed on agents of the Syrian government, prompting some residents to attack Syrian nationals and cars with Syrian license plates.

Homosexual activity is not prohibited, and there was a gay pride parade in Istanbul in June 2013, but LGBT (lesbian, gay, bisexual, and transgender) people are subject to widespread discrimination, police harassment, and occasional violence. In August, the government rejected a proposal to add constitutional protections for LGBT people, and in September, a court issued a ban on an online gay dating platform.

G. Personal Autonomy and Individual Rights: 9 / 16 (-1)

Property rights are generally respected in Turkey, with notable exceptions. Non-Muslim religious communities

that lack a corporate legal identity have difficulty owning property or regaining property previously seized by the state. Since 2002, the government has returned \$2.5 billion worth of property to Greeks, Jews, and Armenians. In many cases, this was the result of rulings against Turkey by the European Court of Human Rights (ECHR), where a sizable percentage of cases have involved property claims, including 23 of 117 judgments against Turkey in 2012. In September 2013, the ECHR issued additional judgments against Turkey on the property of two Armenian foundations and denial of inheritance to Greek nationals.

The property rights of business owners who displease the government have increasingly come under pressure. In the aftermath of the Gezi protests, companies that were perceived to have supported the demonstrators—including Koç Holding, the country's largest conglomerate—reportedly faced intrusive government inspections, tax audits, and denial of government contracts. Erdoğan had denounced Koç Holding after one of its Istanbul hotels gave shelter to protesters fleeing police tear gas. In November 2013, the government proposed closing private test-preparation centers, many of which are operated under the aegis of the Hizmet movement. This action generated opposition across the political spectrum, both on personal freedom grounds and for restricting private economic activity.

The constitution grants women full equality before the law, but the World Economic Forum ranked Turkey 120 out of 136 countries surveyed in its 2013 Global Gender Gap Index. Only about a third of working-age women participate in the labor force, the lowest rate in Europe. Women hold just 79 seats (14 percent) in the parliament, though this is an increase from 48 after the 2007 elections. Reports of domestic abuse have increased in recent years, and so-called honor crimes continue to occur. A March 2012 report found that 42 percent of Turkish women have been subjected to physical or sexual violence. In August 2012, the Ministry of Family and Social Policies announced its 2012–15 Action Plan to Combat Violence Against Women, but critics argue that the government has not done enough, focusing more on family integrity than women's rights.

Erdoğan has equated abortion with murder, and while he has backed away from plans to ban the procedure, the government passed measures in February 2013 that would limit access to abortion services. In June, women's groups took part in the Gezi protests and highlighted several issues, including lack of accountability for domestic violence, restrictions on state family-planning services, and the AKP's sexist rhetoric, which has included statements that men and women are not equal and a suggestion that women should have at least three children. In November, Erdoğan caused a major stir by suggesting that government action was necessary to prevent male and female university students from sharing private housing. This aggravated concerns about state imposition of religious values on private life.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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